

**Nikitenko V. I.,**  
student of the Yaroslav the Wise National Law University,  
Kharkiv, Ukraine

## **THE DEVELOPMENT OF CITIZENSHIP DURING THE EMERGENCE OF NATION-STATES AND THE FORMATION OF BOURGEOIS POLITICAL-LEGAL IDEOLOGY**

As far as the conception of citizenship was finally formulated after the French Revolution, the period of the formation of the nation-states and the bourgeois political-legal ideology plays the important role in the analysis of this institute.

Almost, this theme was not studied by Ukrainian scholars. Only A. L. Rogachevsky, V. E. Saltyshev, K. E. Livantsev and some others examined German burghers' views, the Diggers' ideas and the birth of French bourgeois political and legal system. At the same time, west scientists Neil Davidson, Rogers Brubaker, Ricardo Duchesne, Abbñ Sieyris were studying this subject very thoroughly.

The purpose of the proposed thesis of scientific report is to analyze the institution of citizenship during the XIV-XVIII c. in the West Europe and to mark out prerequisites for its development.

Among the Ukrainian scholars' works, which study the emergence of citizenship, prevails the conception of the “free citizen” under which a person became a subject of law simultaneously with the reception of citizenship. “The demand of liberty meant the demand of equity under the law for all citizens regardless of their birth and religious affiliation” [1, p. 47]. In this instance both the social and economic aspect and the determination of the petit bourgeoisie's role is mostly omitted.

A. L. Rogachevsky in the course of the German burghers' views' examination attended the “guilds” revolutions in the early XIV c. This scientist insisted that city craftspeople united in the guilds and tried to get access to the municipal governments. Inside the guild separated upper ten joined to the old city patricians. The role of this strata of society also increased because the glossators recommended them as the best candidates for the counselor's role, because they considered the middle class as the most “noble”, that did not hanker after other people's property and there's many of them in each city [2, pp. 47, 50]. Probably, A. L. Rogachevsky has based his research on Max Weber's ideas. The latter considered that in addition to city administration as a way of participating in political decision-making, membership in guilds was an indirect form of citizenship that helped it's members succeed financially; guilds exerted considerable political influence in the growing towns [3, pp. 43–49].

In France of the XVIII c. the population was divided into three “estates”: the clergy, the nobility and the rest – over 95% – are known as the Third Estate. Abbñ Sieyès considered that the Third Estate was everything; it, and it alone, constituted the nation and the nobility being nothing but useless and privileged parasites [4]. The class of bourgeoisie was later formed exactly from the Third Estate.

As said before, the important role plays the determination of the emergence of bourgeoisie's class. Generally this class is opposed to nobility. But it should be noted that those pre-1789 French bourgeoisie most directly engaged in capitalist enterprise were the least likely to be anti-royalist revolutionaries. At the same time, in England the gentry and nobility, who led long English struggle for a constitutionalism, may well have been capitalist, as far as their income derived from farming, which organized for exchange and profit [5]. In addition, the same property in offices and commercial capitals, the same cultural pursuits and social aspiration were widely shared by both the nobility and the bourgeoisie [6, p.288-320].

Ricardo Duchesne described two phases of the historic evolution of the bourgeoisie. In the first phase, it forms itself as a class within the feudal system on the basis of money capital; in the second, which takes place after the overthrow of feudalism, it installs capitalist ownership relations. He, also, admitted that the trade-based bourgeoisie was not seeking to overthrow the feudal class as much as to join the noble order. The “fundamental class struggle” was a conflict of social interests between owners of exploitive property (the noble-bourgeois elite) and non-exploitive direct producers (peasants and artisans). One were privileged bestowed by blood, other privilege bestowed by capital. The mentioned social and economic transformations caused that “the noble was juridically the ruling class, yet he could continue to rule only if he was economically a bourgeoisie” [6, pp. 288-320].

Rogers Brubaker claimed that the class deviation was replaced by the deviation by other criteria, including nationality, while monarchs gave citizenship to perspective labor force [7, pp. 30-49]. The debates about citizenship are considered as the one about nationhood. Nation-states determine the legal relationship between the citizen and the state taking into account that it should be “egalitarian, sacred, national, democratic, unique and socially consequential”. The French Revolution was bourgeois, democratic, national and bureaucratic. After the failing of the reform of the existing state in late XVIII-century, the radicalized Third Estate constituted itself as the National Assembly and proclaimed the sovereignty of the nation. Membership was conceived and institutionalized in the political-legal form of citizenship; nationality differed from citizenship, it was absent in the Revolutionary constitution. Political rights derive from a person's quality as a citizen. First municipal and state citizenships were created. Development of the first became a reason for strengthening the latter. The

evolution of citizenship played a great role, because France had to “give to the world” Liberty, Equality and Fraternity [8].

In conclusion, the examination of evolution of citizenship should not be begun from the period of bourgeois revolutions, because the great role played the petit bourgeoisie, which started to raise the issue of legal relationship with the state (not with the monarch) in order to protect their social rights and to provide equity regardless of birth.

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**Очколяс Д. В.**, аспірант,  
Інститут держави і права ім. В. М. Корецького НАН України,  
м. Київ, Україна

#### **ПРЕДМЕТНО-ОБ’ЄКТНІ ХАРАКТЕРИСТИКИ ЗАГАЛЬНОТЕОРЕТИЧНОЇ НАУКИ**

Важливим для характеристики предмета теорії держави і права є визначення співвідношення предмета і об’єкта науки. Кожна наука є способом організації знань про ті об’єкти, вивчення яких вона забезпечує. Об’єктом є явище чи категорія, що має багатоаспектний характер і приріст знань про яке забезпечується системою наук. Саме об’єкт і є тією